

# Order

Entered: June 10, 2003

Michigan Supreme Court  
Lansing, Michigan

Maura D. Corrigan,  
Chief Justice

Michael F. Cavanagh  
Elizabeth A. Weaver  
Marilyn Kelly  
Clifford W. Taylor  
Robert P. Young, Jr.  
Stephen J. Markman,  
Justices

ADM File No. 2002-32

Amendment of Rule 2.502  
of the Michigan Court Rules

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On order of the Court, notice of the proposed changes and an opportunity for comment in writing and at a public hearing having been provided, and consideration having been given to the comments received, the following amendment of Rule 2.502 of the Michigan Court Rules is adopted, effective September 1, 2003.

[The present language is amended as indicated below.]

Rule 2.502 Dismissal for Lack of Progress

(A) Notice of Proposed Dismissal.

- (1) On motion of a party or on its own initiative, the court may order that an action notify the parties in those actions in which no steps or proceedings appear to have been taken within 91 days that the action will be dismissed for lack of progress unless the parties show that progress is in fact being made or that the failure to prosecute lack of progress is not attributable due to the fault or lack of reasonable diligence of the party seeking affirmative relief.

(2) - (3) [Unchanged.]

(B) - (C) [Unchanged.]

Staff Comment: The June 10, 2003, amendment of MCR 2.502(A)(1), effective September 1, 2003, expressly allows a party to move for dismissal of an action for lack of progress. Previously, the rule stated only that the court may notify parties of a potential dismissal when there has been a lack of progress.

The staff comment is published only for the benefit of the bench and bar and is not an authoritative construction by the Court.



I, CORBIN R. DAVIS, Clerk of the Michigan Supreme Court, certify that the foregoing is a true and complete copy of the order entered at the direction of the Court.

June 10, 2003 Corbin R. Davis

Clerk